
OLR Bill Analysis

sHB 5470 (as amended by House "A")*

AN ACT CONCERNING THE PROVISION OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY OR GUARDIAN AD LITEM REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER.

SUMMARY

This bill generally requires the Department of Children and Families (DCF) to provide written notice to an attorney or guardian ad litem (GAL) representing a child before any:

1. meeting in which the department is considering removing a child from his or her home on the basis of abuse or neglect,
2. placement or placement change of a child who is in DCF custody, and
3. administrative or permanency team meeting to review the child's permanency plan.

The bill establishes timeframes for each of these notice requirements. It provides an exception to the first notice requirement above when the DCF commissioner or her designee authorizes an emergency removal from the home to ensure a child's safety.

The bill also requires DCF to provide notice to any attorney or GAL appointed to represent a child when he or she absconds from care, but it does not specify a timeframe for the notification.

*House Amendment "A" provides the exception to the notice requirement regarding meetings to discuss removal.

EFFECTIVE DATE: October 1, 2018

NOTICE OF MEETING TO DISCUSS REMOVAL

The bill generally requires DCF to provide written notice to any attorney or GAL representing a child at least five days before the date of any meeting in which the department is considering removing the child from the household. The bill provides an exception to this notice requirement if the DCF commissioner or her designee have authorized the child's immediate removal from the home. By law, the commissioner may authorize such a removal if there is probable cause to believe (1) that the child or any other child in the household is in imminent risk of physical harm from his or her surroundings and (2) the immediate removal is necessary to ensure the child's safety (CGS § 17a-101g(e)).

PLACEMENT NOTIFICATION

The bill requires DCF, when placing a child or youth committed to its care (e.g., in a foster home), to provide written notice to any attorney or GAL appointed by the court to represent the child. The notice must include the name, address, and other relevant contact information related to the placement. The commissioner must also provide written notice to the attorney or GAL of any change in placement, including a hospitalization or respite placement. The notice must be provided (1) within 10 business days before the change of placement in a nonemergency situation or (2) no later than two days after a change of placement in an emergency situation.

PERMANENCY PLAN NOTIFICATION

By law, the DCF commissioner must prepare and maintain a plan for the care, treatment, and permanent placement (i.e., permanency plan) for each child under her care and she must review the plan at least every six months to (1) determine if it is appropriate and (2) make any appropriate modifications. The bill requires DCF to provide written notice to the child's attorney or GAL at least 21 days before the date of any administrative meeting to review the plan.

Additionally, under the bill, the commissioner must provide written notice to any attorney or GAL the court appointed for the child, regardless of the child's age, at least five days in advance of any permanency team meeting concerning the child's plan.

BACKGROUND

Permanency Teams

Under DCF policy, permanency teams are multidisciplinary teams that serve as the decision-making groups for selecting an adoptive family, approving relative adoption or guardianship for children in placement for less than six months, or approving another planned permanent living arrangement for a child under age 14 (DCF Policy 48-14-6.1).

Related Bill

sSB 323 (File 137), reported favorably by the Children's Committee, generally requires DCF to provide written notice to any child or youth being transferred to a new placement and his or her attorney at least 10 days before the transfer.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (03/28/2018)